

## **Remarks**

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

In the subject application, claims 1-5 are pending, of which claims 1 and 3 are independent claims, and claims 2, 4, and 5 are dependent. Applicants have amended claims 1 and 3. Also, Applicants have added new claims 24-29. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

### ***Claim Rejections – 35 U.S.C. § 112***

Claims 1-5 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner notes that claims 1 and 3 recite a computer program product without reciting that the product resides in a computer readable medium. *See* the subject action, page 2. Applicants have amended claims 1 and 3 to recite that the computer program product resides in a computer readable medium. *See* Applicants' amended claims 1 and 3. Applicants respectfully submit that those of ordinary skill in the art understand that a memory (e.g., a computer memory) may be a computer readable medium. Support for Applicants' amendment to claims 1 and 3 may be found at least at paragraph [0030] and Figure 1 of the subject application, as published. Paragraph [0030] and Figure 1 are provided below for the Examiner's convenience:

[0030] As shown in FIG. 1, a system 10 includes a processor 12 and a memory 14. Memory 14 includes an operating system 16, and instructions

18, that when executed by the processor 12, perform an exemplary restructuring integration process 100, described below. A specific restructuring process, referred to as a merger and acquisition (M&A), will be used as an example throughout this description. However, the process 100 can be applied to most corporate change or restructuring activities, such as spin-offs, department mergers and splits, and so forth. Memory 14 also includes common restructuring business processes modules 200, application logic 300, and a core framework of services 400 that support the restructuring integration process 100. The system 10 includes a link to a storage device 20 and an input/output device 22. The input/output device 22 can include a graphical user interface (GUI) 24 for display to a user 26. (See the subject application, as published paragraph [0030]; emphasis added).

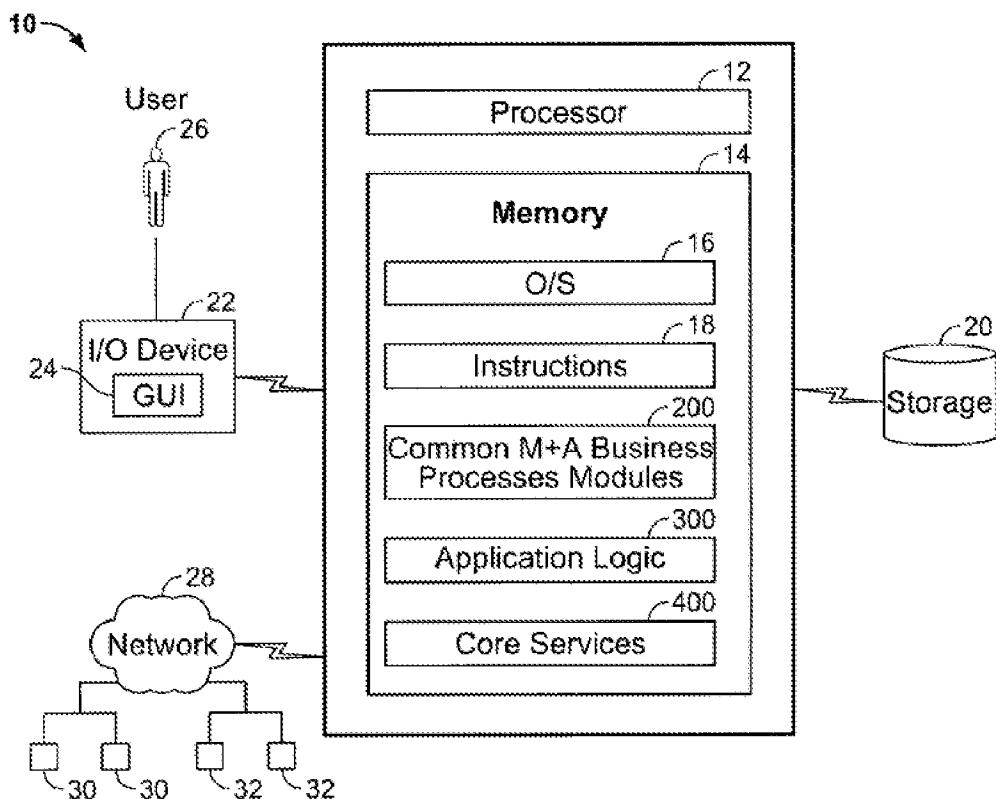


FIG. 1

Further, the Examiner notes that claim 3 recites "providing a single logical physically distributed information system" and that this operation *may* not be accomplished by a computer program product residing in a computer memory. *See* the

subject action, page 2. Applicants have amended claim 3 which no longer recites "providing . . .", but rather recites "executing . . .". *See* amended claim 3.

In light of the amendments discussed above, Applicants respectfully submit that claims 1 and 3 now particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As such, Applicants respectfully request withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. § 112, second paragraph. Since claims 2, 4, and 5 were rejected by virtue of being dependent on claims 1 and 3, Applicants respectfully request withdrawal of the rejection of claims 2, 4, and 5 under 35 U.S.C. § 112, second paragraph, as well.

### ***Claim Rejections – 35 U.S.C. § 101***

Claims 1-5 have been rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter because the Examiner appears to believe that the claims are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C. § 101. Specifically the Examiner notes that the computer program product is recited as residing on a computer memory, rather than a computer readable medium, which would be interpreted as an article of manufacture. In light of the amendments above discussed with respect to the 35 U.S.C. § 112 rejections, Applicants respectfully submit that the computer program product in amended claims 1 and 3, respectively, are recited as residing on a computer readable medium. Therefore, Applicants respectfully submit that amended claims 1 and 3 are directed towards statutory subject matter. *See generally* MPEP 2106. Further, Applicants respectfully submit that since claims 2, 4, and 5 depend, either directly or indirectly from amended claims 1 and 3, those claims are

directed towards statutory subject matter as well. As such, withdrawal of the rejection to claims 1-5 under 35 U.S.C. § 101 is respectfully requested.

### ***Claim Rejections – 35 U.S.C. § 103***

Claim 1-3, and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanches (U.S. Patent Application Publication No. 20030018510 hereinafter “Sanches”) in view of Kirby et al. (U.S. Patent Application Publication No. 20040024629 hereinafter “Kirby”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Sanches and Kirby, whether viewed separately or in combination, do not disclose each and every limitation recited in Applicants amended independent claim 1, as amended. Applicants’ newly amended independent claim 1 is provided below for the Examiner’s convenience:

1. (Currently Amended) A computer program product for facilitating an enterprise change, residing in a computer readable medium, having a plurality of instructions stored thereon, which, when executed by a processor, cause the processor to perform operations comprising:

executing, via two or more source systems represented by a single logical information system, a pre-change due diligence and post-change integration of the enterprise change, the enterprise change being at least one of a merger and acquisition, the source systems interacting with databases through base system connectors using a markup language; and

displaying a user interface on a computer display to conduct a merger activity, wherein the user interface includes a project management tab providing features to define a merger and acquisition project from a merger and acquisition template, the features including:

creating a task force and assigning team members to the task force;

generating a schedule for the task force to follow;

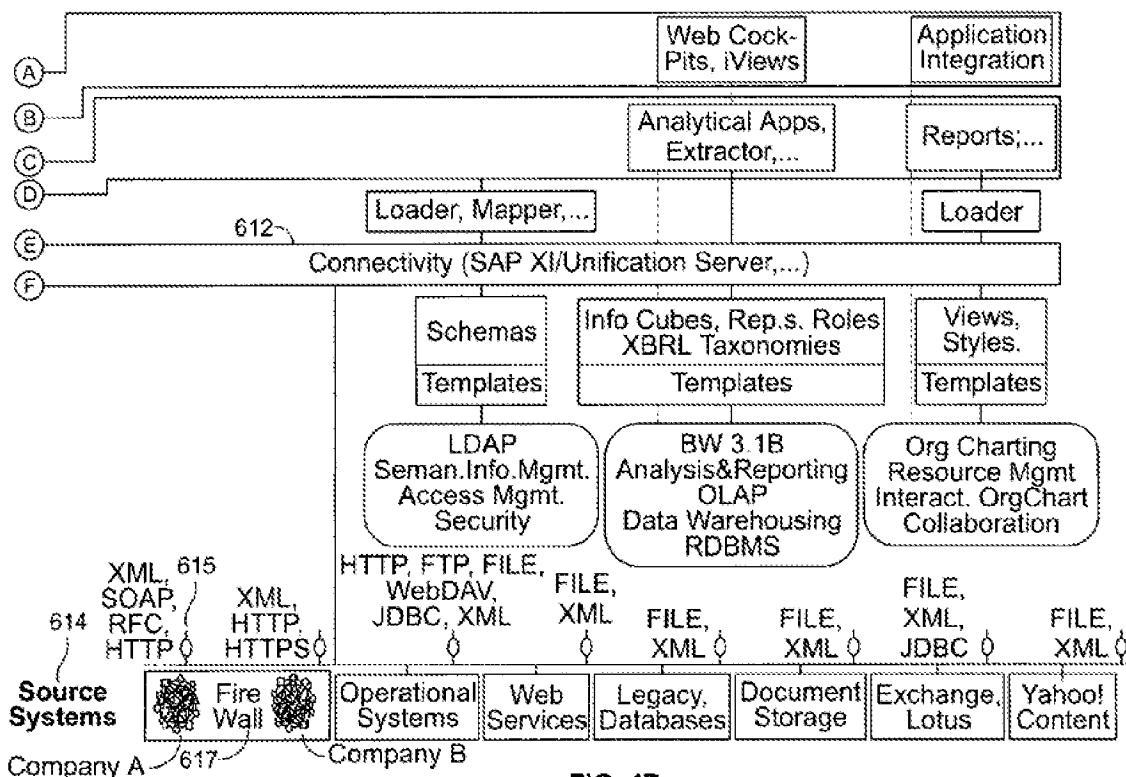
generating project proposals to be completed by the task force; and

publishing information about the task force, schedule, and project proposals to one or more stakeholders. (See Applicants' amended claim 1).

As shown above, Applicants' independent claim 1 now recites the limitation "executing, via two or more source systems represented by a single logical information system, a pre-change due diligence and post-change integration of the enterprise change, the enterprise change being at least one of a merger and acquisition, the source systems interacting with databases through base system connectors using a markup language". Support for Applicants amendment to independent claim 1 may be found at least at paragraphs [0030], [0031], and [0065], and Figures 1 and 4B of the subject application, as published. Paragraph [0030] and Figure 1 are provided above, and paragraphs [0031] and [0065], and Figure 4B are provided below for the Examiner's convenience:

[0031] The system 10 includes a link to a network 28. Network 28 links the system 10 to other systems 30 within a single entity and to systems 32 in one or more other entities. **Systems 30, 32, generally referred to as clients or source systems, access data through a portal 34.** Systems 10, 30, 32 are designed to act as a single logical physically distributed information system representing multiple enterprise information systems of organizations residing in the systems 30, 32. Information is exchanged between the system 10 and systems 30, 32 through the portal 34 and through user interfaces (UIs) of architecture, described below. (See the subject application, as published, paragraph [0031]; emphasis added).

[0065] In embodiments, the databases and repositories in the persistence/repository layer 610 interact with the source systems 614 through base system connectors 615 using a markup language such as extensible markup language (XML), web services such as Simple Object Access Protocol (SOAP), request for comments (RPC), or Transmission Control Protocol/Internet Protocol (TCP/IP). The source systems of one organization can interact with the source systems of another organization through a firewall 617. (See the subject application, as published, paragraph [0065]; emphasis added).



Applicants respectfully submit that Sanches and Kirby do not disclose the limitation “executing, via two or more source systems represented by a single logical information system, a pre-change due diligence and post-change integration of the enterprise change, the enterprise change being at least one of a merger and acquisition, the source systems interacting with databases through base system connectors using a markup language” *as recited* in Applicants’ newly amended claim 1. Applicants note that in order for the references cited to render newly amended claim 1 unpatentable under 35 U.S.C. 103, the references cited must disclose each and every limitation in their *entirety*.

As such, Applicants respectfully submit that claim 1 of the subject application is in condition for allowance. Further, Applicants have amended independent claim 3 to include limitations similar to that of claim 1. Therefore, Applicants respectfully submit that claim 3 is in condition for allowance as well. Since the remaining claims depend,

either directly or indirectly, from independent claims 1 or 3, Applicants respectfully submit that those claims are also in condition for allowance. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Applicants have added new claims 24-29. Applicants' new claims are provided below for the Examiner's convenience:

24. (New) The computer program product of claim 1, wherein the markup language is extensible markup language.

25. (New) The computer program product of claim 1, wherein the base system connectors include an interface with remote function call capability.

26. (New) The computer program product of claim 25 wherein the interface is an encapsulated postscript interface.

27. (New) The computer program product of claim 1, wherein the markup language is extensible markup language.

28. (New) The computer program product of claim 3, wherein the base system connectors include an interface with remote function call capability.

29. (New) The computer program product of claim 28 wherein the interface is an encapsulated postscript interface. (See Applicants new claims 24-29, as filed with this amendment.)

Support for Applicants' new claims may be found at least at paragraphs [0065] and [0066] of the subject application, as published. Paragraph [0065] is provided above, and paragraph [0066] is provided below for the Examiner's convenience:

[0066] The base system connectors 615 can include an enterprise connector (BC) interface, Internet communication manager/Internet communications framework (ICM/ICF), an encapsulated postscript (EPS) interface and/or other interfaces that provide remote function call (RFC) capability. (See the subject application, as published, paragraph [0066].)

Applicants respectfully submit that Sanches and Kirby, whether viewed separately or in combination, do not disclose any of the limitations of Applicants' new claims 24-29.

Therefore, Applicants respectfully submit that new claims 24-29 are in condition for allowance.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicants' attorney (617-854-1460) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 01 April 2010

/Mark H. Whittenberger/  
Mark H. Whittenberger  
Reg. No. 52,356

Holland & Knight LLP  
10 St. James Avenue  
Boston, MA 02116-3889  
Telephone: 617-845-1460  
Facsimile: 617-523-6850

# 9306202\_v1